

VENABLE, BAETJER, HOWARD & CIVILETTI, LLP
Including professional corporations

1201 New York Avenue, N.W., Suite 1000
Washington, D.C. 20005-3917
(202) 962-4800, Fax (202) 962-8300
www.venable.com

VENABLE
ATTORNEYS AT LAW

OFFICES IN

WASHINGTON, D.C.
MARYLAND
VIRGINIA

Connie N. Bertram
(202) 962-4835
cnbertram@venable.com

July 17, 2000

VIA FACSIMILE

The Honorable William M. Nickerson
The United States District Court
for the District of Maryland
United States Courthouse
101 W. Lombard Street
Baltimore, MD 21201

FILED
LODGED
ENTERED
RECEIVED
JUL 18 2000
AT BALTIMORE
CLERK U.S. DISTRICT COURT
DISTRICT OF MARYLAND
DEPUTY

**Re: Jedrowicz v. Giant Food Inc.
Civil Action No. WMN 98-3899**

Dear Judge Nickerson:

On behalf of Giant Food Inc. ("Giant"), I am writing to request clarification regarding the effect of the Court's July 12, 2000 Order on Giant's obligation to file a response to Plaintiff's Amended Complaint. In its July 12, 2000 Order, the Court reopened the above-referenced case and directed the parties to update their briefing on Giant's Motion to Dismiss pursuant to Rule 4(m).

Neither the Federal Rules of Civil Procedure nor the Local Rules of this Court establish a deadline for filing an Answer or otherwise responding to a Complaint upon remand by the Fourth Circuit Court of Appeals of a previously dismissed case. Rule 12(a)(4) provides, however, that a responsive pleading shall be served within 10 days after notice of the denial of a motion to dismiss. See Fed. R. Civ. P. 12(a)(4). It is unclear whether Rule 12(a)(4) also would operate to require Giant to file a responsive pleading in this case within 10 days of the Court's July 12, 2000 Order reopening the case.

Assuming that Giant otherwise would be required to file its response within 10 days of the reopening of the case, Giant respectfully requests that the Court stay Giant's obligation in this regard pending the resolution of Giant's Motion to Dismiss pursuant to Rule 4(m). In response to Plaintiff's Amended Complaint, Giant intends to file an Answer and a Rule 12(c) Motion for Judgment on the Pleadings. Because these pleadings may be rendered completely moot by the Court's ruling on the Rule 4(m) issue, a stay of the deadline for filing a responsive pleading would best serve the interests of economy and efficiency in this case.

" APPROVED " THIS 18th DAY
OF July, 2000
William M. Nickerson
UNITED STATES DISTRICT JUDGE



Letter to Judge William M. Nickerson
July 17, 2000
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Accordingly, Giant respectfully requests that the Court enter an Order staying Giant's obligation to file a response to Plaintiff's Amended Complaint until 10 days after the Court's resolution of the Rule 4(m) issue.

Respectfully submitted,

Connie N. Bertram

cc: Jo Ann P. Myles, Esq.
Counsel for Plaintiff